
(2022) 02 TEL CK 0080

In the Telangana High Court

Case No : Motor Accident Civil Miscellaneous Appeal No. 2729 Of 2007

APSRTC, Mushirabad, Hyderabad. And Another

APPELLANT

Vs

K. Sheetal Bai And 4 Others

RESPONDENT

Date of Decision : 24-02-2022

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2022) 02 TEL CK 0080

Hon'ble Judges : G. Sri Devi, J

Bench : Single Bench

Advocate : V T M Prasad, V Atchuta Ram

Final Decision : Dismissed

Judgement

This appeal is preferred by the Road Transport Corporation, questioning the judgment and decree, dated 12.04.2007 passed in O.P.No.1337 of 2004 on the file of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Red Hills, Nampally, Hyderabad (for short, the Tribunal).

For the sake of convenience, the parties have been referred to as arrayed before the Tribunal.

The claimants filed a petition under Section 166 of the Motor Vehicles Act claiming compensation of Rs.4,50,000/- for the death of the deceased K.Sugriv @ Samba, who died in a motor vehicle accident. It is stated that on 05.02.2004 at about 9.30 A.M., the deceased was proceeding on foot along with his friend from Moti Market to Esamia Bazar and when they reached near 'U' turn on the extreme left side of the road, one RTC bus bearing No.AP 11 Z 2958 driven by its driver in a rash and negligent manner at high speed and dashed the deceased, as a result of which, the deceased died on the spot. Basing on a complaint, a case in Crime No.35 of 2004 has been registered against the driver of the said RTC bus. The claimants filed aforesaid O.P. against respondent Nos.1 and 2,

being the owners of the RTC bus.

Before the Tribunal, the respondents filed counter denying the averments of the claim petition including the age, avocation and income of the deceased and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

During trial, on behalf of the claimants, P.Ws.1 to 3 were examined and Exs.A1 to A7 were marked. On behalf of the respondents, R.W.1 was examined Exs.X1 and X2 were marked.

After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of driver of the RTC bus and awarded total compensation of Rs.6,75,500/- with interest @ 7.5% per annum. Aggrieved by the said order, the Road Transport Corporation filed the present appeal.

Heard both sides and perused the record.

A perusal of the order reveals that the Tribunal passed a well considered order and after taking into consideration all the aspects, the Tribunal awarded an amount of Rs.6,75,500/- with interest @ 7.5% per annum. Further, while answering issue No.1, the Tribunal has categorically observed that the accident has occurred due to the rash and negligent driving of the driver of the RTC bus. With regard to quantum of compensation, in the light of the decided case laws of the Apex Court, under the heads of conventional charges and future prospects, the claimants are entitled for more compensation. Since this is an appeal filed by the R.T.C. and in the absence of cross appeal or cross-objections filed by the claimants, this Court is not inclined to go into the other issues and this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

Accordingly, the M.A.C.M.A. is dismissed confirming the award and decree passed by the Tribunal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.